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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
087650-674	08/20/95	WILSON	08765

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ECM1/0819

EXAMINER

ART UNIT	PAPER NUMBER
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2411

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DATE MAILED: 08/19/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Please see attached letter

Office Action Summary

Application No.

08/650,834

Applicant(s)

Stephen C. Wren

Examiner

Yount, Steven R.

Group Art Unit

2411



☒ Responsive to communication(s) filed on May 20, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-5 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☒ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as unpatentable over Dworkin in view of D'Agostino (US 5,606,496).

A. As to claim 1, Dworkin discloses a system for marketing products and services (col. 1, lines 65-66) with customer computers (terminals 5) in remote communication with a central computer (CPU 1) and a database located at the central computer containing products and services information (col. 1, lines 65-66). The system in Dworkin provides a presentation established to educate the customer about goods and services. For example, the main menu (Fig. 3) "educates" the customer as to the types of products and services which are available. The

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system in Dworkin allows independent type customers to browse through the database and proceed to higher levels of information (e.g., specific products within a category and more detailed specifications). Col. 4, line 2 to col. 5, line 3 and col. 6, lines 41-47. Desired information is downloaded, in response to user input (col. 7, lines 15-16), from the central database for display on the customer computer screen. See e.g., col. 7, lines 23-36.

Dworkin differs from applicant's invention in that Dworkin does not disclose means for establishing voice contact with a representative at the central facility. D'Agostino discloses this feature in a system for remote ordering of goods and services. Col. 4, lines 1-5. It would have been obvious to one skilled in the art to incorporate an option into the Dworkin system to establish voice contact with a representative at the central facility. The database in the Dworkin system is envisioned as containing information about numerous (possibly thousands, col. 3, lines 65-69) different suppliers of goods and services. D'Agostino teaches that voice contact with a representative at a central facility is desirable for certain types of goods and services. For example, services which traditionally provide one-to-one interaction with a representative, such as financial services. Col. 1, lines 18-59. D'Agostino further teaches that one-to-one contact is has the benefit of easing the minds of customers who are uncomfortable with or afraid of using computers. One skilled in the art would have been motivated to modify Dworkin to for these reasons and to accommodate such persons.

B. As to claim 2, Dworkin discloses downloading instruments finalizing a transaction at col. 8, lines 9-24.

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C. As to claim 3, Dworkin differs from Applicants invention in that Dworkin does not disclose means for communicating with a number of different central computerized communications facilities. It would have been obvious to one skilled in the art to modify Dworkin and provide for multiple central computer facilities. Dworkin contemplates numerous different suppliers participating in the system. As modified above by D'Agostino, providing central facilities at the different suppliers' normal places of business would save the expense and inconvenience of the representatives from the various suppliers all congregating at a single central facility. This would also allow the representatives to turn their attention to other company business matters when not actually logged on to the representative terminals.

D. As to claim 4, D'Agostino discloses contact is possible with more than one different representative at col. 4, lines 21-30.

E. As to claim 5, Dworkin discloses selling retail goods and D'Agostino discloses selling financial services. Thus it would be obvious to have representatives at a retail store and at a bank, under the rationale set forth in the rejection of claim 3.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lockwood, Walker and D'Agostino (US 5,231,571) disclose systems for remotely providing good or services.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Yount whose telephone number is (703) 306-2906. The examiner

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can normally be reached on Monday through Thursday and every other Friday from 8:00 AM to 5:00 PM. .

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail Hayes, can be reached at (703) 305-9711. The fax phone number for this Group is (703) 305-9731.

7. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, whose phone number is (703) 305-3800.

Steven R. Yount

Steven R. Yount
August 17, 1997

Robert A. Weinhardt
ROBERT A. WEINHARDT
PRIMARY EXAMINER
GROUP 2400